

MONTANA DIVISION

"NATIONWIDE" PROGRAMMATIC SECTION 4(f) EVALUATION FOR
HISTORIC BRIDGES

Project No. STPP 52-1(18)27, Control No. 4035

Date: September 2003

Project Name: Bigfork North and South

Location: Swan River

This proposed project requires use of a historic bridge structure that is on, or eligible for listing on the NATIONAL REGISTER OF HISTORIC PLACES. The Swan River Bridge carries MT-35 over the Swan River at Bigfork and is located along the shore of Flathead Lake as shown on the attached area map. The present bridge was constructed in 1954 and is comprised of steel plate girders with a non-composite concrete deck. The bridge is a four span configuration spanning the Swan River. The total bridge length is 67.1 meters (220 feet) the clear roadway width 8.5 meters (28 feet). The existing ground slopes underneath the bridge into the water at a rate of approximately 1 1/2:1. The slopes are covered with riprap under the bridge and on the downstream side of the bridge.

Based upon the MDT structure inventory reports the current status of the Swan River Bridge is poor. The general condition of the bridge is rated at about five out of a possible ten in most categories, with an overall sufficiency rating of 49.6. This rating qualifies the bridge for replacement. Several areas needing attention include:

- The deck has extensive cracking, allowing water to penetrate and damage the substructure components.
- Damage to the existing girders has occurred where water has penetrated the paint and caused corrosion.
- The existing bearing devices are out of alignment and need to be repaired.
- Due to insufficient width, there are no facilities for pedestrians and bicycles on the bridge.
- There are currently no expansion devices and the back walls of the abutments are cracking and spalling due to the expansion of the steel girders.
- There are no approach slabs and each end of the structure has a noticeable bump in the road surface due to settlement.
- The bridge parapet does not meet current AASHTO standards.

- The bridge is founded on untreated timber piling of unknown condition.
- The bridge, located in a relatively high seismic zone, does not meet current seismic standards.

NOTE: Any response in a box will require additional information, and may result in an individual evaluation/statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

	<u>YES</u>	<u>NO</u>
1. Is the bridge a NATIONAL HISTORIC LANDMARK?	<input type="checkbox"/>	<u>X</u>
2. Have agreements been reached through the procedures pursuant to <i>Section 106</i> of the <i>National Historic Preservation Act</i> with the following:		
STATE HISTORIC PRESERVATION OFFICE (SHPO)?	<u>X</u>	<input type="checkbox"/>
ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)?	<u>X</u>	<input type="checkbox"/>
3. Any other agency/ies with jurisdiction at this location?	<u>X</u>	_____
a) If "YES" will additional approval(s) for this <i>Section 4(f)</i> application be required?	<input type="checkbox"/>	<u>X</u>
b) List of agencies with jurisdiction at this location:		
USA - CORPS OF ENGINEERS (<u>Section 404 Stream Crossing Permit necessary</u>)	<u>X</u>	_____
USDA - Forest Service	<input type="checkbox"/>	<u>X</u>
USDA - Soil Conservation Service (<i>FPPA</i>)	<input type="checkbox"/>	<u>X</u>
FEMA Regulatory Floodway (<u>No Permit necessary</u>)	<u>X</u>	_____
MDFW&P - Parks Division (Fishing Access Site)(<u>No impact to FAS</u>)	<u>X</u>	_____
MDFW&P - Wildlife Division (wetlands)	<input type="checkbox"/>	<u>X</u>
MDFW&P - Fisheries Division (<i>MSPA</i>) (<u>Stream Protect Act Permit necessary</u>)	<u>X</u>	_____
MDNR&C Land Office (navigable rivers under state law) (<u>Easement for Swan River Crossing</u>)	<u>X</u>	_____
MDEQ - Air And Waste Management Bureau	_____	<u>X</u>
MDEQ - Water Quality Bureau (<u>318 Authorization necessary</u>)	<u>X</u>	_____
MDNR&C (irrigation systems)	_____	<u>X</u>

ALTERNATIVES & FINDINGS

EACH of the following **ALTERNATIVES** for this proposed project have been evaluated to avoid the use of the historic bridge:

1. "Do Nothing."
2. Rehabilitate the existing bridge without affecting the historic integrity of the structure in accordance with the provisions of *Section 106* in the *NHPA*.

Rehabilitation is not feasible because of insufficient roadway width to accommodate pedestrian and bicycle needs, and the uncertain condition of untreated wood piles.

3. Construct the proposed bridge at a location where the existing historic structure's integrity will not be affected as determined by the provisions of the *NHPA*.

Roadway realignment creates substantial impacts to abutting properties and improvements.

The above **ALTERNATIVES** have been applied in accordance with this PROGRAMMATIC SECTION 4(f) EVALUATION and are supported by **EACH** of the following **FINDINGS**:

- | | <u>YES</u> | <u>NO</u> |
|--|------------|--------------------------|
| 1. The "Do Nothing" ALTERNATIVE has been evaluated and has been found to ignore the basic transportation need at this location. | <u>X</u> | <input type="checkbox"/> |

This **ALTERNATIVE** is neither feasible nor prudent for the following reasons:

- | | | |
|---|----------|--------------------------|
| a) Maintenance — this ALTERNATIVE does not correct the structurally deficient condition and/or poor geometrics (clearances, approaches, visibility restrictions) found at the existing bridge. Any of these factors can lead to a sudden catastrophic collapse, and/or a potential injury including loss of life. Normal maintenance will not change this situation. | <u>X</u> | <input type="checkbox"/> |
|---|----------|--------------------------|

- | | | |
|---|----------|--------------------------|
| b) Safety — this ALTERNATIVE also does not correct the situation which causes the existing bridge to be considered deficient. Because of these deficiencies, the existing bridge presents serious and unacceptable safety hazards to the travelling public and/or places intolerable restrictions (gross vehicle weight, height, and/or width) on transport. | <u>X</u> | <input type="checkbox"/> |
|---|----------|--------------------------|

A copy of the MDT Bridge Bureau's Inspection Report is attached.	<u>X</u>	<input type="checkbox"/>
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2. The rehabilitation **ALTERNATIVE** has been evaluated with one or more of the following **FINDINGS**:

- | | | |
|---|----------|-------------------|
| a) The existing bridge's structural deficiency is such that it cannot be rehabilitated to meet minimum acceptable load and traffic requirements without adversely affecting the structure's historic integrity. | | |
| <u>The condition of untreated wood support piling is unknown.</u> | <u>X</u> | <u> </u> |

- | | | |
|---|----------|-------------------|
| b) The existing bridge's geometrics (height, width) cannot be changed without adversely affecting the structure's historic integrity. | | |
| <u>The exiting bridge parapet is not an approved crashworthy type.</u> | | |
| <u>Due to insufficient width pedestrian and bicycle use cannot be accommodated.</u> | <u>X</u> | <u> </u> |

ALTERNATIVES & FINDINGS (#2 - conclusion:)

- | | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| c) This ALTERNATIVE does not correct the serious restrictions on visibility (approach geometrics, structural requirements) which also contributes to an unsafe condition at this location. | | |

<u>Roadway alignment and geometrics are acceptable.</u>	<u> </u>	<u>N/A</u>
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Is this rehabilitation **ALTERNATIVE** therefore considered to be feasible and/or prudent based on the preceding evaluations?

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X

3. The relocation **ALTERNATIVE**, in which the new bridge has been moved to a site that presents no adverse effect upon the existing structure has also been considered under the following **FINDINGS**:

- a) Terrain and/or local geology. The present structure is located at the only feasible and/or prudent site for a bridge on the existing route. Relocating to a new site — either up-, or downstream of the preferred location — will result in extraordinary bridge/approach engineering and associated construction costs.

X

The preferred site is the only prudent location due to the terrain and/or geologic conditions in the general vicinity.

X

Any other location would cause extraordinary disruption to existing traffic patterns.

X

- b) Significant social, economic and/or environmental impacts. Locating the proposed bridge in other than the preferred site would result in significant social/economic impacts such as the displacement of families, businesses, or severing of prime/unique farmlands.

X

Significant environmental impacts such as the extraordinary involvement in wetlands, regulated floodplains, or habitat of threatened/endangered species are likely to occur in any location outside the preferred site.

X

- c) Engineering and economics. Where difficulty/ies associated with a new location are less extreme than those listed above, the site may still not be feasible and prudent where costs and/or engineering difficulties reach extraordinary magnitudes. Does the **ALTERNATE** location result in significantly increased engineering or construction costs (such as a longer span, longer approaches, etc.)?

X

- d) Preservation of existing historic bridge may not be possible due to either or both of the following:

the existing structure has deteriorated beyond all reasonable possibility of rehabilitation for a transportation or alternative use;

X

no responsible party can be located to maintain and preserve the historic structure.

X

ALTERNATIVES & FINDINGS (#3. - conclusion:)

Therefore, in accordance with the previously-listed FINDINGS it is neither feasible nor prudent to locate the proposed bridge at a site other than the preferred **ALTERNATE** as described.

YES

NO

X

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MEASURES TO MINIMIZE HARM

This "Nationwide" Programmatic Section 4(f) Statement applies only when the following **Measures to Minimize Harm** have been assured; a check in a box MAY void the Programmatic application — if so, a full Section 4(f) Evaluation **will be required**:

YES

NO

1. Is the bridge being rehabilitated under this proposed project?

X

If "YES", is the historic integrity of the structure being preserved to the greatest extent possible; consistent with unavoidable transportation needs, safety, and load requirements?

☐

NOTE:

If "NO", refer to item 2., following, to determine Programmatic applicability.

2. The bridge is being replaced, or rehabilitated to the point where historic integrity is affected. Are adequate records being made of the existing structure under HISTORIC AMERICAN ENGINEERING RECORD standards, or other suitable means developed through consultation with SHPO and the ACHP?

X

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3. If the bridge is being replaced, is the existing structure being made available for alternative use with a responsible party to maintain and preserve same?

The existing bridge is not a candidate for adoption, and removal would require demolition.

[X]

4. If the bridge is being adversely affected, has agreement been reached through the *Section 106* process of the *National Historic Preservation Act* on these **Measures to Minimize Harm** (which will be incorporated into the proposed project) with the following:

SHPO on 9/26/2001

X

☐

ACHP on 10/22/01

X

☐

FHWA on 10/2/2001

X

☐

A copy of the **Programmatic Memorandum of Agreement (P.M.o.A.)** signed/approved by these agencies is attached.

☐

COORDINATION

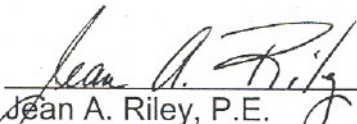
There has been additional **COORDINATION** with the following agencies regarding this proposed project (other than those listed previously):

City/County government: Howard Gite, Flathead County Commissioner, has been a member of the MT-35 Advisory Committee. This committee was organized specifically to address project related issues and community impacts, and has participated the development of the preferred alternative including replacement options for the Swan River Bridge.

Adjacent property owners: All adjacent property owners are aware of the highway improvement and bridge replacement project through the project public involvement processes. A letter from the Montana Fish, Wildlife and Parks concerning Land and Water conservation funded properties indicates their familiarity with the project.

Copies of letters from these agencies regarding this proposed project are attached. This proposed project is also documented as a Environmental Assessment under the requirements of the *National Environmental Policy Act (42 U.S.C. 4321, et seq.)*.

SUMMARY & APPROVAL - The proposed action meets all criteria regarding the required **ALTERNATIVES, FINDINGS, and Measures to Minimize Harm** which will be incorporated into this proposed project. This proposed project therefore complies with the July 5, 1983 Programmatic Section 4(f) Evaluation by the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration. This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.



Jean A. Riley, P.E.

Engineering Section Supervisor
MDT Environmental Services

Date: 10/15/03

Approved: 

Federal Highway Administration

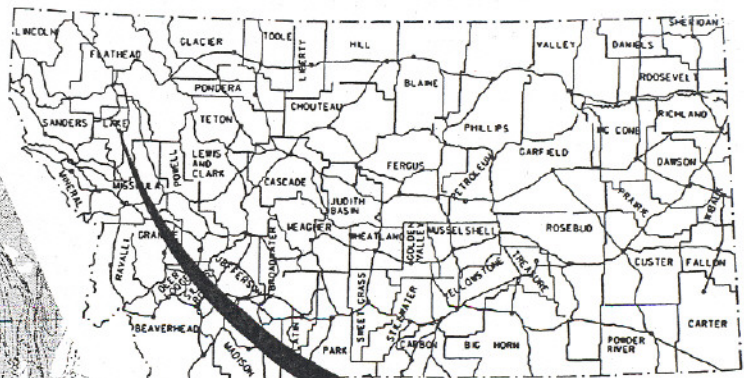
Date: 10/16/03

JAR:SMK:LRZ

"Alternate accessible formats of this document will be provided upon request."

Attachments

cc: Loran E. Frazier P.E. – Administrator – MDT Missoula District
Carl S. Peil, P.E. – MDT Preconstruction Engineer
John H. Horton, Jr. – MDT Right-of-Way Bureau Chief
Suzy Althof, P.E. – MDT Contract Plans Section Supervisor
David W. Jensen, Supervisor – MDT Fiscal Programming Section
Dave Hill - MDT Environmental Services Bureau Chief
Susan Kilcrease – MDT Environmental Services w/attachments
Joseph P. Kolman, P.E. MDT Bridge Engineer



THIS PROJECT



INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00052031+00211

Location : BIG FORK Structure Name: none

General Location Data

District Code, Number, Location : 01 Dist 1 MISSOULA Division Code, Location : 12 KALISPELL
County Code, Location : 029 FLATHEAD City Code, Location : 00000 RURAL AREA
Kind fo Hwy Code, Description : 3 3 State Hwy Signed Route Number : 00035
Str Owner Code, Description : 1 State Highway Agency Maintained by Code, Description : 1 State Highway Agency
Intersecting Feature : SWAN RIVER Kilometer Post, Mile Post : 49.92 km 30.95
Structure on the State Highway System : ☒ Latitude : 48°03'30"
Structure on the National Highway System : ☐ Longitude : 114°04'48"
Str Meet or Exceed NBIS Bridge Length : ☒

Construction Data

Construction Project Number : F 102-1
Construction Station Number : 1853+50.00
Construction Drawing Number : 3246
Construction Year : 1954
Reconstruction Year :

Traffic Data

Current ADT : 7,490 ADT Count Year : 2000 Percent Trucks : 2 %

Structure Loading, Rating and Posting Data

Loading Data :

Design Loading :		3 MS 13.5 (HS 15)
Inventory Load, Design :	24.4 mton	2 AS Allowable Stress
Operating Load, Design :	24.4 mton	2 AS Allowable Stress
Posting :		5 At/Above Legal Loads

Rating Data :

	Operating	Inventory	Posting
Truck Type 1 :			
Truck Type 2 :			
Truck Type 3 :	53		

Structure, Roadway and Clearance Data

Structure Deck, Roadway and Span Data :

Structure Length : 67.06 m
Deck Area : 679.00 m sq
Deck Roadway Width : 8.53 m
Approach Roadway Width : 8.53 m
Median Code, Description : 0 No median

Structure Vertical and Horizontal Clearance Data :

Vertical Clearance Over the Structure : 99.99 m
Reference Feature for Vertical Clearance : N Feature not hwy or RR
Vertical Clearance Under the Structure : 0.00 m
Reference Feature for Lateral Underclearance : N Feature not hwy or RR
Minimum Lateral Under Clearance Right : 0.00 m
Minimum Lateral Under Clearance Left : 0.00 m

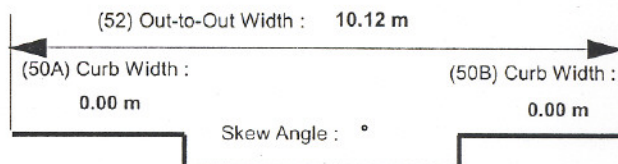
Span Data

Main Span

Number Spans : 4
Material Type Code, Description : 4 Steel continuous
Span Design Code, Description : 2 Stringer/Multi-beam or Girder Deck
Deck Structure Type : 1 Concrete Cast-in-Place
Deck Surfacing Type : 1 Monolithic concrete (concurrently placed with struc
Deck Protection Type : 0 None
Deck Membrain Type : 0 None

Approach Span

Number of Spans : 0
Material Type Code, Description :
Span Design Code, Description :



Structure Vertical and Horizontal Clearance Data Inventory Route :

Over / Under Direction Name	Inventory Route	South, East or Bi-directional Travel			North or West Travel		
		Direction	Vertical	Horizontal	Direction	Vertical	Horizontal
Route On Structure	P00052	Both	99.99 m	8.53 m	N/A		

INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00052031+00211

Continue

Inspection Data

Inspection Due Date : 21 August 2005

(91) Inspection Frequency (months) : 24

Sufficiency Rating : 49.6

Health Index : 71.72

Structure Status : Not Deficient

NBI Inspection Data

(90) Date of Last Inspection : 21 August 2003

Last Inspected By : Benjamin Williamson - 99

(90) Inspection Date :

Inspected By :

(58) Deck Rating :

7	

(68) Deck Geometry :

4	

(36C) Approach Rail Rating

1	

(62) Culvert Rating :

N	

(59) Superstructure Rating :

5	

(67) Structure Rating :

5	

(36A) Bridge Rail Rating :

1	

(61) Channel Rating :

8	

(60) Substructure Rating :

6	

(69) Under Clearance :

N	

(36B) Transition Rating :

0	

(71) Waterway Adequacy :

9	

(72) App Rdwy Align :

7	

(41) Posting Status :

A	

(36D) End Rail Rating :

N	

(113) Scour Critical :

4	

Unrepaired Spalls : 0 m sq

Deck Surfacing Depth : 0.00 in

Inspection Hours

Crew Hours for inspection :

1	

Snooper Required : Y

Helper Hours :

Snooper Hours for inspection :

3	

Special Crew Hours :

Flagger Hours :

Special Equipment Hours :

Inspection Work Candidates		Status	Priority	Effected Structure Unit	Scope of Work	Action	Covered Condition States
Candidate ID	Date Requested						

No Inspection Work Candidates

INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00052031+00211

Continue

Element Inspection Data

***** Span : Main-0 *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 12 - Bare Concrete Deck										
	1	4	679	sq.m.	X	100	0	0	0	0
						%	%	%	%	%

Previous Inspection Notes :

08/21/2003 - Deck shows transverse cracking with efflorescence. Some small popouts. Medium wear in wheel paths. Approach asphalt shows some small potholes (both ends), see pic. Guard angles show no significant changes. PATCH APPROACH ASPHALT AT BRIDGE ENDS. VZCZ
09/24/2001 - Numerous transverse cracks with efflorescence throughout. Medium wear in wheel paths. Approach asphalt separating from guard angles causing bumps at bridge ends. Minor plow type damage to both guard angles. No problems noted. YICR
10/13/1999 - Frequent transverse cracks with efflorescence throughout. Some popouts scattered throughout. HMWM seal still evident. Some minor plow damage to guard angles at both ends. Slight endfill settlement at both ends causing slight bumps at both ends. MJJY
09/09/1997 - Frequent to excessive transverse cracking. Sealed with HMWM 1994. JLS
10/01/1994 - None REFI

Inspection Notes:

Element 107 - Paint Stl Opn Girder

	1	2	268	m.		0	0	100	0	0
						%	%	%	%	%

Previous Inspection Notes :

08/21/2003 - Girders show some paint loss with corrosion and rusting in numerous locations throughout. Mainly at outside bearing locations in lower flanges and webs, inside and outside faces about web stiffener connections. Deck construction joints allow moisture thru at curb cracks down to girder area. No significant changes. VZCZ
09/24/2001 - Some paint loss throughout with corrosion and rusting. Some minor spalling at top outside girder flanges, and web stiffeners at construction joint locations at pier locations - gap in curb allows moisture to drain down off overhand onto girder. Section loss at bottom of stiffener in stiffener, web, and lower flanges at all locations. Some minor corrosion, rusting, and minor section loss at other locations on girders. YICR
10/13/1999 - Some corrosion, paint loss and minor section loss along top flanges of all girders. Some pack rust along bottom flanges at splice plates. Utility attached on left side, missing insulation along length at several locations, anchor points, no change since last inspection. MJJY
09/09/1997 - Crevice corrosion on upper flanges with areas of beginning section loss. Light corrosion prevalent throughout. Utility on downstream side - insulation failing near B-1 JLS
10/01/1994 - None REFI

Inspection Notes:

Element 181 - Pnt Vrt X-Frame

	1	2	69	m.		0	0	0	100	0
						%	%	%	%	%

Previous Inspection Notes :

08/21/2003 - X-bracing still exhibits same conditions. No significant changes noted. VZCZ
09/24/2001 - Some paint loss, corrosion, rusting, and minor section loss. YICR
10/13/1999 - X-bracing between girders show corrosion and rusting with some section loss, see pic. MJJY
09/09/1997 - Corrosion with beginning section loss at B2 & B4. JLS
10/01/1994 - None REFI

Inspection Notes:

INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00052031+00211

Continue

***** Span : Main-0 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 205 - R/Conc Column										
	1	3	2	ea.		100	0	0	0	
						%	%	%	%	

Previous Inspection Notes :

08/21/2003 - Minor cracking noted. No problems noted.

09/24/2001 - Some minor cracking of columns at P-3 with cracking of web wall also.

10/13/1999 - Some minor cracking of columns at P-3, not significant. Columns only at P-3. Web wall has +/- 0.5 mm crack thru wall.

09/09/1997 - None

Inspection Notes:

Element 215 - R/Conc Abutment

	1	2	29	m.		100	0	0	0	
						%	%	%	%	

Previous Inspection Notes :

08/21/2003 - Abutment components show minor cracking. Spall remains unchanged. Minor erosion. No problems noted.

09/24/2001 - Some minor cracking of abutment components. Minor spall at bottom flange of right girder at B-5 - not new - no change. Minor erosion of slope at B-5.

10/13/1999 - Some minor cracks in abutments. Minor spall of B-5 on right side of right girder, see pic.

09/09/1997 - None

10/01/1994 - None

Inspection Notes:

Element 234 - R/Conc Cap

	1	2	26	m.		100	0	0	0	
						%	%	%	%	

Previous Inspection Notes :

08/21/2003 - Cap shows minor cracking. No changes noted.

09/24/2001 - Some minor cracking. No problems noted.

10/13/1999 - Some minor cracking.

09/09/1997 - None

10/01/1994 - None

Inspection Notes:

INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00052031+00211

Continue

***** Span : Main-0 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 311 - Moveable Bearing										
	1	2	8	ea.		0	100	0		
						%	%	%		
Previous Inspection Notes :										
08/21/2003 - Bearings are out of adjustment with anchor bolts deflecting. Some minor corrosion and rusting. No significant changes noted.										
09/24/2001 - Rockers at B-2 & B-4 are out of adjustment. B-2 back and B-4 ahead. No changes. Corrosion and rusting.										
10/13/1999 - All rockers out of adjustment, see pic. Those at P-2 are tipped one direction while those at P-4 are tipped the opposite direction.										
Light to medium corrosion with minor rusting.										
09/09/1997 - All rockers out of adjustment. Light to medium corrosion.										
10/01/1994 - None										
Inspection Notes:										
Element 313 - Fixed Bearing										
	1	2	4	ea.		0	100	0		
						%	%	%		
Previous Inspection Notes :										
08/21/2003 - Fixed pins at pier show some minor corrosion and rusting with some minor accumulation about anchorages.										
09/24/2001 - P-3 bearings show corrosion and rusting. No changes. No problems noted.										
10/13/1999 - Light to medium corrosion with minor rusting.										
09/09/1997 - Light to medium corrosion.										
10/01/1994 - None										
Inspection Notes:										
Element 334 - Metal Rail Coated										
	1	3	134	m.		0	0	100	0	0
						%	%	%	%	%
Previous Inspection Notes :										
08/21/2003 - Rail shows some minor collision damage locations throughout lengths. Some split and twisted blocks. Rail restricts roadway at bridge ends.										
09/24/2001 - Bridge rail - single w-beam attached to old metal bridge rail - Not To Standard. BAS - NTS. Approach rail ok. Terminals not in proximity of bridge. Roadway restriction at bridge, see pic.										
10/13/1999 - Numerous cracked and or broken blocks with some missing. Minor plow damage along length.										
09/09/1997 - None										
10/01/1994 - None										
Inspection Notes:										



INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00052031+00211

Continue

General Inspection Notes

08/21/2003 - None

09/24/2001 - None

10/13/1999 - Removed element 210 because of conversation with Paul Jensen

09/09/1997 - None

10/01/1994 - Sufficiency Rating Calculation Accepted by ops\$u5963 at 3/10/97 14:36:36

Sufficiency Rating Calculation Accepted by OPSS\$U9004 at 2/19/97 12:34:33

RECEIVED**SEP 28 2001****ENVIRONMENTAL
PROGRAMMATIC AGREEMENT****AMONG****THE FEDERAL HIGHWAY ADMINISTRATION****THE ADVISORY COUNCIL ON HISTORIC PRESERVATION****AND****THE MONTANA STATE HISTORIC PRESERVATION OFFICE****AFFECTING HISTORIC ROADS AND BRIDGES****IN MONTANA**

WHEREAS, the Federal Highway Division, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's on-going program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an affect upon a certain class of properties included in or eligible for inclusion on the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Office (SHPO) pursuant to Section 800.14 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the FHWA and the MDT have developed a Historic Preservation Plan (HPP) regarding roads and bridges and that document has been subject to review under 36 CFR 800.14 and has been agreed to by FHWA, SHPO and the Council; and

WHEREAS, this Programmatic Agreement supercedes the original Agreement (implemented July 17, 1997) and the amendment to that Agreement (implemented January 21, 1999); and

WHEREAS, the MDT participated in the consultation and has been invited to concur in this Programmatic Agreement; and

WHEREAS, all references within this Programmatic Agreement are to the Council's regulations that became effective on January 11, 2001;

NOW THEREFORE, the FHWA, the Council, and the Montana SHPO agree that the program addressed in this Programmatic Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual undertakings of the program.

Stipulations

The FHWA will ensure that the following measures are carried out:

- 1) The FHWA and MDT will comply with 36 CFR §§ 800.4 through 800.6 in regard to determining eligibility of historic-age bridges. The Historic Preservation Plan

will apply only to those bridges determined eligible for the National Register of Historic Places (NRHP).

- 2) The FHWA and MDT will implement the roads and bridges HPP in lieu of compliance with 36 CFR 800 in regards to trails, roads, and highways in Montana that were constructed after 1859.
- 3) The MDT, in consultation with SHPO, will develop NRHP Multiple Properties Documents regarding specific bridge types to assist the FHWA, SHPO, and MDT in assessing the NRHP eligibility of bridges. The documents will include reinforced concrete, steel stringer, steel girder, and all post-1936 steel truss bridges not included in the MDT's 1985 inventory.
- 4) For all NRHP-eligible bridges offered for adoption under the HPP for which new owners are not found, Historic American Engineering Record (HAER) - level recordation will be completed before the bridge is demolished.
- 5) FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.
- 6) The MDT will continue to record and assign Smithsonian trinomial site numbers to segments of historic-age trails, roads, and highway located within the Area of Potential Effect (APE) of the MDT's undertakings. Where particular trail, road and highway segments involve features of historic significance on a statewide or national level, the MDT will consult with SHPO to develop a plan to avoid or incorporate the property into the agency's undertaking as specified in Part VI, Section 4 of the existing Roads and Bridges Historic Preservation Plan (See Attachment One).
- 7) The MDT has acquired a 2± mile (10,560± linear feet) segment of the Mullan Military Road (24MN133) in Mineral County, Montana. The road has been preserved and will be developed as a historic recreational/interpretive trail. The MDT will provide funding toward the development and interpretation of the road and list the segment on the National Register of Historic Places. The interpretive plan for the road will be developed in cooperation with the Montana SHPO, the Lolo National Forest, and the Salish-Kootenai Tribal Preservation Office.
- 8) The MDT will provide funding for the installation of five roadside interpretive markers describing the history and significance of pre-1913 trails and roads that are adjacent to Montana's existing primary and secondary highway system. The marker locations will be determined by MDT and the Montana SHPO.
- 9) This Programmatic Agreement will remain in force for as long as the roads and bridges HPP is in force or unless Stipulation 13 of this Agreement is invoked.

- 10) The MDT will prepare a report biennially on its implementation of the HPP, and provide this report to the FHWA, Montana SHPO, and the Council for review, comment and consultation if needed.
- 11) The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested by a signatory to this Agreement or by a member of the public. FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities as stipulated in 36 CFR 800.13.
- 12) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties consult in accordance with 36 CFR 800.13 to consider such an amendment.
- 13) Any party to this Programmatic Agreement may terminate it by providing, in writing, forty-five (45) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek arrangement on amendments or other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.
- 14) Should the Montana SHPO object within sixty (60) days to any action proposed pursuant to this Historic Preservation Plan, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:
 1. provide the FHWA and Montana SHPO with recommendations, which the FHWA and Montana SHPO will take into account in reaching a final decision regarding the dispute; or
 2. notify the FHWA and Montana SHPO that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA and Montana SHPO in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA and MDT's responsibility to carry out all actions under this Historic Preservation Plan that are not the subjects of the dispute will remain unchanged.
- 15) At any time during implementation of the measures stipulated in this Agreement and/or Historic Preservation Plan, should any objection to any such measure or its manner of implementation be raised by a member of the public, the FHWA shall take the objection into account and consult as needed with the objecting party, the SHPO or the Council to resolve the objection.

- 16) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR §§ 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:

Executive Director

Date: 11/22/01

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By:

[Signature]

Date: 10-2-2001

MONTANA STATE HISTORIC PRESERVATION OFFICER

By:

Mr. F. Zander

Date: 9/26/2001

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By:

June M. [Signature]

Date: 8/23/01